

Dr. VIPIN KUMAR SINGH
Assistant Professor
Subject- Legislative and Quasi Judicial Powers of Administration
Class- LL.M. II Semester
Topic- Private law and Public law

Private law and Public law

Private law is that part of a civil law legal system which is part of the *jus commune* that involves relationships between individuals, such as the law of contracts or torts (as it is called in the common law), and the law of obligations (as it is called in civil legal systems). It is to be distinguished from public law, which deals with relationships between both natural and artificial persons (i.e., organizations) and the state, including regulatory statutes, penal law and other law that affects the public order. In general terms, private law involves interactions between private citizens, whereas public law involves interrelations between the state and the general population.

Public law is a theory of law governing the relationship between individuals (citizens, companies) and the state. Under this theory, constitutional law, administrative law and criminal law are subdivisions of public law. This theory is at odds with the concept of constitutional law, which requires all laws to be specifically enabled, and thereby sub-divisions, of a constitution.

Generally speaking, private law is the area of law in a society that affects the relationships between individuals or groups without the intervention of the state or government. In many cases the public/private law distinction is confounded by laws that regulate private relations while having been passed by legislative enactment. In some cases these public statutes are known as laws of public order, as private individuals do not have the right to break them and any attempt to circumvent such laws is void as against public policy.

Public vs Private Law

Legal terms may appear complicated to common individuals, which is why confusion usually occurs during legal procedures. To have a deeper understanding of the basics regarding legal procedures, let us take a look at the difference between two terms: Private law and public law. When is law considered public or private? Read on to find out.

Public law is a theory of law that governs the relationship between the state and the individual, who is considered to be either a company or a citizen. Public law covers three sub-divisions: Constitutional, administrative and criminal law. Constitutional law covers the different branches of the state: Executive, legislative and judiciary. Administrative law regulates international trade, manufacturing, pollution, taxation, and the like. Criminal law involves state imposed sanctions for individuals or companies in order to achieve justice and social order.

Private law is also known as civil law. It involves relationships between individuals, or private relationships between citizens and companies. It covers the law of obligations and the law of torts, which is defined as follows: Firstly, the Law of Obligation organizes and regulates legal relations between individuals under contract. Secondly, the Law of Torts addresses and remedies issues for civil wrongs, not arising from any contractual obligation.

Summary:

1. Public law governs the individual, citizen or corporation, and the state, while private law applies to individuals.
2. Public law deals with a greater scope, while private law deals with a more specific scope.
3. Public law deals more with issues that affect the general public or the state itself, whereas, private law focuses more on issues affecting private individuals, or corporations